

MAY 10 2 31 PM '01

BY HW

**Attorney for Plaintiff**

## COMPLAINT

1        2. At all relevant times plaintiff was working as a  
2 laborer in the City of Las Vegas, State of Nevada, as an  
3 employee of Pipe Jacking Unlimited, an independent  
4 contractor.

5        3. At all relevant times, defendant was another  
6 independent contractor employing and directing a crew of  
7 workers at the construction site where plaintiff was  
8 working.

9        4. On November 19, 1999, at approximately 12:15 p.m.,  
10 while plaintiff was engaged in work in the bottom of a shaft  
11 forty feet below street level, plaintiff was severely  
12 injured when struck in the face by a steel bar negligently  
13 dropped by defendant's crew working at the top of the shaft.

14        5. Plaintiff does not know the names of the members of  
15 defendant's crew who dropped the steel bar, but such  
16 individual was working in the ordinary scope of his  
17 employment for defendant and defendant knows his name and  
18 identity.

19        6. The above-described accident was a proximate result  
20 of the following separate and concurrent negligent acts or  
21 omissions on the part of defendant:

22            (a) Placing on the construction job in question a  
23 crew with insufficient ability, training, or experience to  
24 carry out its job in a safe and professional manner;

25            (b) Failing to warn those working at the bottom of  
26 the shaft of the serious danger to them from falling objects  
27 from the activities of defendant's crew, although defendant  
28 knew, or in the exercise of reasonable care should have

1 known, that danger existed;

2 (c) Failing to exercise reasonable care through its  
3 crew in handling the steel bar to prevent it from falling  
4 and striking plaintiff;

5 (d) Failing to furnish through its crew a timely  
6 warning to the workers below that the steel bar had been  
7 dropped; and

8 (e) Failing to provide its crew with adequate  
9 equipment to manage the tools the crew was using at a high  
10 elevation without an unreasonable risk of accidentally  
11 dropping the tools.

12 7. As the direct and proximate result of the negligence  
13 of defendant as described above, plaintiff sustained the  
14 following serious injuries:

15 Several broken teeth, severe laceration to his upper  
16 lip, and severe bruising of his face and chest.

17 8. As further proximate result of defendant's negligent  
18 conduct and of plaintiff's injuries, plaintiff required  
19 medical, surgical, and hospital attention, and has incurred  
20 medical, surgical, and hospital expenses of \$8,522.00. The  
21 above-described injuries will compel plaintiff to incur  
22 additional medical expenses for his injuries.

23 9. At the time the above-described injuries were  
24 sustained, plaintiff was employed as a laborer and was  
25 earning \$20.00 per hour, plus overtime pay at \$30.00 per  
26 hour. As a result of his injuries, plaintiff was disabled  
27 from performing the duties of his employment for a period of  
28 time after he was injured.

1           10. Plaintiff demands a trial by jury.

2           **WHEREFORE**, plaintiff requests judgment against defendant  
3 for the following:

4                 1. Medical and hospital expenses incurred in the  
5 amount of \$ 8,522.00;


6                 2. Loss of earnings in the amount of \$ 3,020.00;

7                 3. General damages in the amount of \$ 250,000.00

8                 4. Costs of this action; and

9                 5. Such other and further relief as the Court deems  
10 just and proper.

11  
12 Dated: May 8, 2001

  
CHRISTOPHER J. HENNES  
Attorney for Plaintiff